

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICHAEL FEHRENBACHER, Individually :
and On Behalf Of All Others Similarly Situated, :
Plaintiff, : C.A. No. 05-256-SLR
-against- :
XYBERNAUT CORPORATION, EDWARD G. :
NEWMAN, STEVEN A. NEWMAN, M.D., :
AND THOMAS D. DAVIS, :
Defendants. :

[additional captions on the following pages]

**MOTION OF THE FEHRENBACHER SHAREHOLDER GROUP FOR
CONSOLIDATION OF ALL RELATED ACTIONS, APPOINTMENT OF LEAD
COUNSEL, AND APPROVAL OF PROPOSED LEAD PLAINTIFFS' SELECTION OF
LEAD COUNSEL**

ROBERT H. AYLOR, JR., On Behalf Of
Himself and All Others Similarly Situated,

Plaintiff,

C.A. No. 05-222-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D., and
THOMAS D. DAIVS

Defendants.

MOSHE TAL, Individually and On Behalf Of
All Others Similarly Situated,

Plaintiff,

C.A. No. 05-242-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D., and
THOMAS D. DAVIS,

Defendants.

JEFFREY M. JASKOL AND STACEY J.
JASKOL, Individually and On Behalf Of All
Others Similarly Situated,

Plaintiff,

C.A. No. 05-268-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN and
GRANT THORNTON, LLP,

Defendants.

JOSEPH DANIEL WAUHOP, On Behalf Of
Himself and All Others Similarly Situated,

Plaintiff,

C.A. No. 05-310-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, JOHN F. MOYNAHAN and
GRANT THORNTON, LLP,

Defendants.

CHRISTINA W. DONNELLY, JOHN
DONNELLY, JAMES G. WILLIAMSON and
RICHARD W. DEARBORN, Individually and On
Behalf Of All Others Similarly Situated,

Plaintiff,

C.A. No. 05-334-JJF

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN and
GRANT THORNTON, LLP,

Defendants.

CHARLES W. SMITH, Individually and On
Behalf Of All Others Similarly Situated,

Plaintiff,

C.A. No. 05-354-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN and
GRANT THORNTON, LLP,

Defendants.

Shareholders Michael Fehrenbacher, Anandamoy Sahoo, Hamed Hashem Alsabbagh, Ghaith Hashem Alsabbagh, and Rabab Hamed Naji (“Movants” or the “Fehrenbacher Shareholder Group”), respectfully submit this motion, pursuant to Section 27(a)(3) of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3), and Section 21D(a)(3) of the Securities Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), and Rule 42 of the Federal Rules of Civil Procedure, for an order: (i) consolidating the above-titled and related actions, (ii) appointing Movants as Lead Plaintiffs in this action and (iii) approving Movants’ selection of the law firms of Chimicles & Tikellis LLP (“Chimicles”) and Sarraf Gentile LLP (“Sarraf”) as Co-Lead Counsel for the Class.

This Motion is based on the brief filed concurrently herewith, the Affidavit of Robert R. Davis, the exhibits appended hereto, and the Court’s complete files and records in this action, as well as any oral argument the Court may request on this Motion.

Dated: June 14, 2005

CHIMICLES & TIKELLIS LLP


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Proposed Lead Delaware Counsel

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Ronen Sarraf (of the New York bar)
Joseph Gentile (of the New York bar)
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